

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 4 has been canceled.

New claims 38-40 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3 and 5-40 are now pending in this application. Claims 7, 8, 12-14, 17, 18, and 21-37 have been withdrawn from consideration.

#### **Interview**

Applicant's representative wishes to thank the Examiner for conducting the telephonic interview of November 2, 2009. Applicant notes that during the interview the Examiner stated that he would discuss the lack of unity finding with his supervisor and that the proposed amendments, which have been made herein, provide a feature, namely the regulation of a reaction force, that is not disclosed or suggested by the references relied upon in the rejection under 35 U.S.C. § 103.

#### **Priority**

Applicant notes that not all boxes acknowledging Applicant's claim for foreign priority were checked in the Office Action Summary. Applicant respectfully requests that the Office acknowledge Applicant's claim for foreign priority by checking all boxes in the next Office correspondence, including the box noting that all certified copies of the priority documents have been received.

**Traverse of Restriction**

Applicants traverse the lack of unity finding set forth in the Office Action of March 17, 2009. The Office suggests on page 2 of this Office Action that only one apparatus and one process claim is permitted but does not provide any support in the PCT rules for such a requirement. PCT Rule 13, for example, does not set forth such a requirement.

Furthermore, the Office argues on pages 2-3 of the Office Action of March 17, 2009 that the common technical feature of the three inventions argued by the Office do not provide a contribution over the prior art and lists several references. However, the Office does not identify the common technical feature or where such a common technical feature is found in the prior art. Thus, the Office has not established a lack of unity finding. The Office notes in the Advisory Action of October 27, 2009 that the election was made with traverse but does not provide a basis for the lack of unity finding. For at least these reasons, Applicants respectfully request that the lack of unity finding be withdrawn.

As noted in the reply of April 17, 2009, claims 1, 2, 15, 16, 19, and 20 are generic. Upon allowance of the elected claims, Applicants will be permitted to request rejoinder in accordance with MPEP § 821.04.

**Rejection under 35 U.S.C. § 103**

Claims 1-6, 9-11, 15, 16, 19, and 20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pub. No. 2003/0067219 to Seto *et al.* (hereafter “Seto”) in view of U.S. Patent No. 6,926,374 to Dudeck *et al.* (hereafter “Dudeck”). This rejection is respectfully traversed. Applicant respectfully submits that this rejection is under 35 U.S.C. § 103(a) although the Office cites 35 U.S.C. § 102(b) on page 2 of the Office Action.

Seto discloses an automatic brake system that includes a scanning type laser-radar that periodically scans a laser ray over an angle range to determine a vehicle interval distance. See Seto at paragraphs 0019-0021. Seto discloses that based on information from the laser-radar, distances between the right rear edge of the preceding vehicle and the laser-radar, and between the left rear edge of the preceding vehicle and the laser-radar are determined, along

with angles of the right and left rear edges of the preceding vehicle relative to the laser-radar. See Seto at paragraph 0024. A needed lateral move distance is calculated on the basis of this detected data. See Seto at paragraph 0024-0032.

However, Seto does not disclose or suggest a system for assisting a driver operating a vehicle traveling on a road comprising, among other things, a control arrangement configured to regulate a reaction force input to a driver based on a determined risk and a width of a target obstacle, as recited in claim 1. Claims 15 and 19 include similar language. Seto is silent in regard to regulating a reaction force input to a driver based on a determined risk and a width of a target obstacle, as recited in claims 1, 15, and 19.

Dudeck discloses a system that determines a route to avoid an obstacle in front of a vehicle. See Dudeck at col. 4, lines 7-49. The lateral component of an avoidance path is based on the vehicle longitudinal speed, another longitudinal speed, a wheel base, and time. See Dudeck at col. 5, lines 8-16. Dudeck discloses that if an avoidance maneuver has to be carried out the lateral component of the avoidance path is evaluated so that a vehicle will drive around the obstacle reliably. See Dudeck at col. 5, lines 16-21. The avoidance path is evaluated by determining a minimum lateral component, which is the sum of half of the obstacle width and half of the vehicle width. See Dudeck at col. 5, lines 16-25, and claim 36. Dudeck teaches that an additional lateral safety distance is taken into account, when appropriate.

However, the teachings of Dudeck do not remedy the deficiencies of Seto because Dudeck is also silent in regard to regulating a reaction force input to a driver based on a determined risk and a width of a target obstacle, as recited in claims 1, 15, and 19. Instead, the Office suggests in the Advisory Action that Dudeck regulates a force applied to a vehicle, not a reaction force input to a driver, as recited in claims 1, 15, and 19.

For at least the reasons discussed above, the combination of Seto and Dudeck fails to disclose or suggest all of the features of claims 1, 15, and 19.

**Claim 5**

Claim 5 depends from claim 1 and is allowable over Seto and Dudeck for at least the reasons discussed above. Claim 5 further recites “wherein the smaller the width of the target obstacle, the smaller the correction of the control amount.” As discussed above, Seto and Dudeck do not disclose or suggest regulating a reaction force, as recited in claims 1, 15, and 19. Nor do Seto and Dudeck disclose or suggest reducing a correction of a control amount used to regulate the reaction force, as recited in claim 5.

For at least the reasons discussed above, the combination of Seto and Dudeck does not disclose or suggest all of the features of claim 5. Reconsideration and withdrawal of this rejection is respectfully requested.

**New Claims**

New claims 38-40 have been added. Claims 38-40 depend from claims 1, 15, and 19 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations. Applicant respectfully submits that claims 38-40 include features that are generic to the species identified in the Office Action of March 17, 2009.

**Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the

Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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Date \_\_\_\_\_

By  \_\_\_\_\_

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